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PETITION OF

COLUMBIA GAS OF VIRGINIA, INC.

CASE NO. PUE-2002-00070

For a Declaratory Judgment

HEARING EXAMINER'S RULING

June 4, 2002

On January 17, 2002, Columbia Gas of Virginia ("CGV") filed a Petition for Declaratory Judgment ("Petition") with the Commission requesting a declaration that CGV has authority under Rate Schedules TS-1 and TS-2 to assess penalties and charges against customers who failed to comply with certain balancing service restrictions issued by CGV during the winter of 2000-01.

Pursuant to Hearing Examiner's Ruling of April 3, 2002, Stand Energy Corporation ("Stand") filed a Notice of Participation with the Commission on April 19, 2002.

On May 24, 2002, after hearing oral argument, I directed, among other things, that interrogatories and discovery pursuant to Rule 5 VAC 5-20-260¹ are permitted pursuant to a waiver as provided in Rule 5 VAC 5-20-10.

On May 28, 2002, CGV served Interrogatories and Requests for Production of Documents on Stand. On May 31, 2002, Stand filed a Motion to Quash Interrogatories and Requests for Production of Documents ("Motion to Quash") by CGV to Stand. In support of its Motion to Quash, Stand argues CGV's interrogatories and requests for production of documents are premature. Stand further argues it was not required to file its testimony and exhibits until May 31, 2002. Stand argues CGV did not know, nor could know, what facts Stand would undertake to prove in this proceeding. Therefore, Stand concludes CGV has no basis for determining the relevance of its interrogatories and requests for production of documents to any facts at issue between CGV and Stand in this proceeding.

Rule 5 VAC 5-20-260 provides, "[i]nterrogatories or requests for production of documents may relate to any matter not privileged, which is relevant to the subject matter involved." This Rule is very broad and permits discovery of any fact or material that may tend to lead to admissible evidence in the matter at hand. The Rules do not specify that interrogatories or requests for production of documents must be filed subsequent to the filing of testimony and exhibits. Further, upon review of CGV's Interrogatories and Requests for Production of Documents, I find they are relevant to the subject matter of this proceeding.

¹ Commission's Rules of Practice and Procedure ("Rules").

Accordingly, I find Stand's Motion to Quash should be *denied*. Stand is hereby directed to respond to CGV's Interrogatories and Requests for Production of Documents as set forth in the Hearing Examiner's Ruling of May 24, 2002.

Howard P. Anderson, Jr.
Hearing Examiner